IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITON NO. 2412 OF 2004

M/s. SUNIL KUMAR ..

PETITIONERS

Vs.

COMMISSIONER OF POLICE & ORS. ... RESPONDENTS

Mr. Mukesh H. Ahooja for petitoners

Ms. P. H. Kantharia, APP.

CORAM:- SMT. RANJANA DESAI &

A.S. OKA, JJ.

DATED:-13-12-2004

P.C.

Heard the learned counsel for the petitioner and the learned APP.

2. The main grievance of the petitoner appears to be that there is a breach of order dated 29th July, 2004 passed by the Civil Judge, Junior Divisin, Vashi in Regular Civil Suit No. 78 of 2003. By that order the learned Judge has directed the police to give protection to the petitioner/plaintiff, if there is any disturbance at the instance of the defendants in complying with the order of temporary injunction against them. In view of this order, in our opinion, if there is any breach of the order, it would be appropriate, if the petitioner approaches the Civil Court for redress. The civil court has ample powers to take care of breach of its order.

3. The learned counsel for the petitioner states that he will make appropriate application to the civil court.

4. The learned APP on instructions from Shri Ranshevare, the officer who is present in the court, states that on 29th July, 2004 police protection was given to the petitioner. The order of the learned Civil Judge, Junior Division states that the police protection is to be given to the petitioner-plaintiff, if there is any disturbance at the instance of the defendants in complying with the order of temporary injunction against

them. This suggests that whenever there is a breach, the police protection should be granted. If either party wants any variation in that order, obviously it will have to approach the same judge. But till such time as this order is in operation, the police are expected to comply with it.

5. So far as other grievances of the petitoners are concerned, he can always file a private complaint. We have expressed no opinion on the merits of the said grievances.

6. Petition is disposed of.

7. Autrhorities to act on authenticated copy.

(SMT. RANJANA DESAI, J.)

(A. S. OKA, J.)